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Attorneys for the Herndon Parties

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re
PG&E CORPORATION,

and
PACIFIC GAS & ELECTRIC COMPANY,

Debtors.

Case No. 19-30088 (Jointly Administered)

Chapter 11

**JOINDER TO STATEMENT OF THE
OFFICIAL COMMITTEE OF TORT
CLAIMANTS REGARDING AUGUST
27, 2019 STATUS CONFERENCE ON
ESTIMATION**

Hearing Date and Time:

Date: August 27, 2019

Time: 9:30 a.m. (Pacific Time)

Place: Courtroom 17

450 Golden Gate Ave., 16th Floor
San Francisco, CA 94102

Affects:

- ☐ PG&E Corporation
☐ Pacific Gas & Electric Company
☒ Both Debtors

1 David Herndon, Julia Herndon, Gabriell Herndon, Jedidiah Herndon, Estefania Miranda,
2 Steven Jones, Gabriella's Eatery, Chico Rent-a-Fence, and Ponderosa Pest & Weed Control (the
3 "Herndon Parties") hereby join in, and incorporate by reference, the Statement of the Official
4 Committee of Tort Claimants Regarding August 27, 2019 Status Conference on Estimation (the
5 "Tort Committee Statement") [ECF No. 3672], filed by the Official Committee of Tort Claimants
6 (the "Tort Committee"). The Herndon Parties also join in, and incorporate by reference, the portions
7 of the Statement of the Ad Hoc Group of Subrogation Claim Holders Regarding August 27, 2019
8 Status Conference on Estimation (the "Subrogation Statement") [ECF No. 3690] that address the
9 issue of whether PG&E Corporation and Pacific Gas & Electric Company (collectively the
10 "Debtors") must identify the basis on which they object to the wildfire claims. *See* ECF No. 3690
11 at 2-5.

12 As the Herndon Parties explained in their objection to the Debtors' bar date motion [ECF
13 No. 2240], the filing of a proof of claim is "prima facie evidence of the validity and amount of the
14 claim." Fed. R. Bankr. P. 3001(f). The filing of a claim "creates an evidentiary presumption" that
15 acts to "shift the burden of going forward" to the party challenging the claim. *In re Garvida*, 347
16 B.R. 697, 706-07 (B.A.P. 9th Cir. 2006). In connection with the estimation proceedings, which are
17 (in function if not in form) objections to validly filed proofs of claim, the Debtors must identify the
18 legal and factual bases for their objections to meet their burden: "[o]ne rebuts evidence with counter-
19 evidence." *Id.* at 707. The proposal proposed by the Debtors inverts this process, impairs the due
20 process rights of wildfire claimants, and risks delaying resolution of the Debtors' wildfire liability
21 and the resolution of this bankruptcy.

22 Accordingly, the Herndon Parties respectfully request that this Court issue the orders
23 requested by the Tort Committee. *See* Tort Committee Statement at 3-4.

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[Signatures to Follow]

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1 Dated: August 26, 2019
2 Los Angeles, CA

/s/ Thomas D. Warren
Thomas D. Warren

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